United Nations S/2002/469

Security Council

Distr.: General
19 April 2002

Original: English

Report of the Secretary-General on the situation in Abkhazia, Georgia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1393 (2002) of 31 January 2002, by which the Council extended the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 July 2002 and requested me to report three months from the date of the adoption of the resolution. It provides an update of the situation in Abkhazia, Georgia, since my report of 18 January 2002 (S/2002/88).

2. My Special Representative for Georgia, Dieter Boden, continues to head UNOMIG. He is assisted in his task by the Chief Military Observer, Major General Anis Ahmed Bajwa (Pakistan). The strength of UNOMIG on 1 April 2002 was 109 military observers (see annex).

II. Main developments

3. During the period under review, the efforts of UNOMIG focused on preparing the ground for the beginning of substantial negotiations between the Georgian and the Abkhaz sides on the core issue of the conflict, namely, the future status of Abkhazia within the State of Georgia. With the paper "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and the transmittal letter, prepared by Mr. Boden and fully supported by the Group of Friends of the Secretary-General, the conceptual basis for commencing such negotiations now exists (see S/2002/88, para. 3).

4. During visits to Sukhumi, Mr. Boden and representatives of the Group of Friends attempted to have the Abkhaz side agree to start negotiations on the basis of the paper on the distribution of competences. These attempts failed. The Abkhaz leadership consistently refused to accept the paper, claiming that Abkhazia's status had already been determined through its unilateral proclamation of independence (see S/1999/1087, para. 7). It also considered that the prevailing political climate, and in particular the unresolved security issue in the upper Kodori Valley, was not conducive to discussing substantive political aspects of the conflict.

5. In the absence of a regular dialogue between the parties, tensions continued in the political arena. Each accused the other of harbouring terrorists and promoting terrorist activities. Such mutual accusations found reflection in inflammatory statements by political movements and parties in the media. Some statements on the Georgian side even implied the possibility of a military option.

6. Efforts to bring about negotiations aimed at achieving a comprehensive settlement would be helped by a more substantive exchange between the two sides in the framework of the Coordinating Council, which was established as a mechanism for regular contacts, but has not met since January 2001. Recent meetings of the Council's Working Group I on security matters, on 29 March, and Working Group III on socio-economic matters, on 8 April, underscored the value of the Coordinating Council structure.

7. In Sukhumi, Abkhaz leader Vladislav Ardzinba has been mostly absent from the political scene since the summer of 2001, reportedly for health reasons. On 2 March "parliamentary elections" were held in Abkhazia, Georgia; they were declared illegitimate by

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Georgia, as well as by UNOMIG, the Organization for Security and Cooperation in Europe, the Council of Europe and the European Union. The main Abkhaz opposition party boycotted the elections due to alleged irregularities and breaches of local election law.

Kodori Valley

8. Following the clashes in the Kodori Valley in October 2001, Georgia introduced regular military troops into the upper Kodori Valley, in violation of the Moscow Agreement on a Ceasefire and Separation of Forces (see S/2002/88, para. 5). In order to remove this major source of tension and distrust and to return to full compliance with the Moscow Agreement, UNOMIG continued to seek the withdrawal of the Georgian military from the upper Kodori Valley.

9. Following the 17 January 2002 protocol (see S/2002/88, para. 5), General Bajwa, together with the Georgian Minister of Defence, General David Tevzadze, visited the upper Kodori Valley. This was the first time that a UNOMIG representative had had access to that part of the valley since the hostage-taking incident in December 2000 (see S/2001/59, para. 17). They travelled by Georgian helicopter. Because of the possible presence of irregulars armed with surface-to-air missiles, UNOMIG helicopters do not fly to the Kodori Valley. It will be recalled in this connection that a UNOMIG helicopter was shot down by such a missile in October 2001. In addition, landmines continue to be a problem in the area. The Georgian side agreed to remove newly laid mines in the valley when UNOMIG requires access.

10. The two sides met on 11 February, under the chairmanship of Mr. Boden, and again on 22 and 28 February, under the chairmanship of General Bajwa, to discuss the implementation of the 17 January protocol. On 12 March Mr. Boden reached agreement with the two sides on a joint UNOMIG/Commonwealth of Independent States (CIS) patrol to the upper Kodori Valley and a subsequent meeting of Working Group I of the Coordinating Council, dealing with security issues. This agreement provided the basis for a two-day joint UNOMIG/CIS ground patrol to the upper Kodori Valley on 25 and 26 March.

11. As agreed on 12 March, Working Group I of the Coordinating Council, chaired by Mr. Boden and made up of representatives of UNOMIG, the CIS peacekeeping force and the two sides, met on 29 March. At the meeting the two sides provisionally agreed on an additional protocol, which, after further consultations in Sukhumi and Tbilisi, was signed on 2 April. This protocol established a 10 April deadline for the complete withdrawal of the Georgian regular forces from the upper Kodori Valley and the resumption of regular, at least weekly, patrols by UNOMIG and the CIS peacekeeping force. It also reaffirmed the Abkhaz commitment to provide security guarantees for the local civilian population. The first joint UNOMIG/CIS patrol under the 2 April protocol took place on 8 and 9 April. It received indications from the authorities in the upper valley that the Georgian side was in the process of withdrawing its regular troops.

12. On 11 April two CIS soldiers were severely injured by a booby trap while conducting road repairs between the last CIS checkpoint in the Abkhaz-controlled lower Kodori Valley and the broken bridge that marks the informal ceasefire line.

13. On 12 April the CIS peacekeeping force, without prior notification to UNOMIG, deployed 78 troops and heavy equipment by helicopter to Ajara in the upper Kodori Valley. The Georgian authorities reacted sharply to this action. Mr. Boden and General Bajwa, in contacts with Russian officials, urged the CIS peacekeeping force to withdraw from Ajara and advised that operations of this kind should be conducted in a manner that was mutually agreed and acceptable to all parties. President Shevardnadze visited the upper Kodori Valley to reassure the local population and demanded the immediate withdrawal of the CIS troops from the valley, failing which he threatened to fulfil the request of the Georgian Parliament of 11 October and seek the complete withdrawal of the CIS peacekeeping force from Georgia. On 13 April President Shevardnadze and President Putin discussed the issue by telephone. The CIS peacekeeping force began its withdrawal from the upper valley on the same day and completed it on 14 April. CIS commanders reported that in Ajara their troops had been encircled by armed individuals equipped with heavy mortars, among them regular Georgian troops as well as armed irregulars. Georgia denied any presence of its regular troops.

Gali and Zugdidi sectors

14. UNOMIG continued its regular daily patrolling in the Gali and Zugdidi sectors. In addition, responding to complaints about the possible presence of illegal armed

groups, special UNOMIG patrols were undertaken on a number of occasions to Gali, Gumurishi, Tqvarcheli and Akarmara. No evidence of such groups was found.

15. In the Gali sector, criminal and paramilitary activity continued to be the main security concern. In a serious incident on 14 March, the CIS peacekeeping force apprehended two Georgians after an exchange of fire near Primorsk and handed them over to the local Abkhaz authorities. This led to the retaliatory abduction on 18 March of four members of the CIS peacekeeping force. After lengthy negotiations, the four were exchanged for the two Georgians detained on 14 March. On 6 April two checkpoints of the CIS peacekeeping force came under fire and a truck was ambushed; there were no casualties.

16. In early March an armed robbery of a UNOMIG patrol, during which shots were fired, served as a reminder of the lack of effective law enforcement in the lower Gali region. At sector headquarters in Gali a United Nations security guard was assaulted while the UNOMIG medical team was rendering assistance to local individuals injured by the negligent discharge of a grenade launcher. There were also three break-in attempts at houses occupied by UNOMIG personnel. In response, the local authorities agreed to undertake patrols at night around UNOMIG lodgings.

17. On 27 March a series of explosions occurred in the Abkhaz Ochamchira district, with one person killed and several others seriously wounded. The incidents took place outside of, but in close proximity to, the restricted weapons zone.

18. In the Zugdidi sector, UNOMIG patrols were on occasion confronted with demonstrations by internally displaced persons, who are becoming increasingly critical of the Georgian central authorities, as well as of the CIS peacekeeping force and international organizations, because of their perceived incapacity to achieve progress in creating conditions for return. In one incident a patrol vehicle was hit by a stone, and in another a patrol was temporarily encircled and had equipment stolen from it before being allowed to proceed.

19. UNOMIG's freedom of movement was restricted for a total of three weeks in January and February when internally displaced persons blocked the major ceasefire line crossing points. In response, UNOMIG had to temporarily introduce restrictions on patrolling in the Zugdidi sector.

20. The mission continued to give high priority to the security of UNOMIG personnel. It maintains the concept of limited patrolling, i.e., patrolling during the daytime only, by two-man protected vehicles at all times and using main roads connecting populated areas. It has also suspended helicopter patrols in the sectors, with the exception of necessary administrative flights, which take a designated route over the Black Sea. Landmines also continue to be of concern, and the CIS peacekeeping force and the British non-governmental organization Halo Trust continued to deactivate mines in UNOMIG's area of responsibility. On 25 March a Halo Trust deminer received serious injuries during a mine-clearing operation.

21. The Joint Fact-Finding Group, which brings together UNOMIG, the CIS peacekeeping force and the two sides, continued its work. The parties demonstrated a greater willingness to participate. Four cases have been concluded since the last report and six investigations are ongoing. Continuity of evidence continued to be a problem; response times improved.

III. Cooperation with the collective peacekeeping forces of the Commonwealth of Independent States

22. The close cooperation between UNOMIG and the CIS peacekeeping force developed further as a result of the joint patrols to the Kodori Valley, except for a serious lapse when the CIS peacekeeping force unilaterally deployed to the upper Kodori Valley on 12 April. Regular meetings took place between the staff of both organizations, complementing the usual exchanges between the Chief Military Observer and the Commander of the CIS peacekeeping force. The weekly quadripartite meetings continue to provide a forum for regular contact.

23. On 31 January 2002 Georgia formally requested the extension of the mandate of the CIS peacekeeping force until 30 June 2002. The CIS agreed to the extension at the end of March. Meanwhile, the Georgian and Russian authorities have expressed their intent to discuss a modification of the mandate and the zone of operation of the force, as Georgia had requested.

IV. Humanitarian situation and human rights

24. During the reporting period, international humanitarian agencies and non-governmental organizations continued programmes (see S/2001/1008, paras. 34 and 35) to meet the acute needs of the most vulnerable persons in Abkhazia, Georgia. At the same time, restrictions on border crossings between the Russian Federation and Abkhazia, Georgia, at the Psou River continued to hamper their operations. These difficulties were compounded by the protest blockades in February, which hindered movement across the ceasefire line. The Office for the Coordination of Humanitarian Affairs continued, from its main office in Tbilisi and its sub-offices in Sukhumi and Tskhinvali, to monitor the overall humanitarian situation and facilitate the response provided by international and national aid agencies, including by disseminating information and analysis, advocating free and unhindered access for humanitarian assistance and supporting the development of a comprehensive inter-agency contingency plan for Georgia.

25. The Office of the United Nations High Commissioner for Refugees (UNHCR) continued its small-scale humanitarian operation in Abkhazia, Georgia. The rehabilitation work in 24 schools (22 in the Gali region and 2 in the Ochamchira region), which was started in the second half of 2001, has been completed in most of the sites on a "self-help" basis. This means that the material for the rehabilitation was provided by UNHCR, while the rehabilitation work itself was done by the local population under the supervision of a school committee composed of parents and teachers. In cooperation with the local authorities, UNHCR has begun to identify and assess other schools, in Gali and beyond, in need of basic rehabilitation in 2002.

26. Phase I of the telecommunications rehabilitation programme, financed by the German Government and implemented by the United Nations Development Programme (UNDP) under the auspices of Working Group III of the Coordinating Council, on socio-economic matters, was completed (see S/2002/88, para. 21). One of the concrete outputs was the re-establishment of the reception of Georgian television channels in the upper Kodori Valley. The second phase is expected to begin in early spring. On 8 April Working Group III met for the first time in 18 months in Sukhumi under the chairmanship of the UNDP Resident Coordinator. The ministerial-level participants agreed, inter alia, on cooperation in the removal of radioactive waste from Sukhumi and the supply of medicines for the treatment of oncological diseases.

27. The human rights situation in Abkhazia, Georgia, showed few signs of improvement. Law enforcement mechanisms remained too weak to properly administer justice and halt violations of basic human rights, particularly in the security zone. In this context, the undefined and insecure status of spontaneous returnees to the Gali district is of major concern. The ethnic Georgian population in the Gali district continued to be denied the right to education in its native tongue, although elective courses in the Georgian language have recently been initiated in one of the Gali schools. The heads of the Education Departments of the two sides met on 11 March and 8 April to overcome the current obstacles. They agreed on a follow-up meeting, scheduled for 22 April, for further discussions on this matter.

28. The United Nations Human Rights Office in Abkhazia, Georgia, continued to advise the local population, monitor selected court trials, and visit places of pre-trial detention. It also assisted with building the capacity of local non-governmental organizations and raising awareness of human rights among the local population. In the absence of the consent of the two sides for establishing a branch human rights office in Gali town, the staff members of the main office visit the Gali district regularly in order to cover the most basic needs in that area.

V. Support issues

29. Efforts are under way to maintain and improve the quality of support for UNOMIG and to enable the Mission to carry out quick impact projects and infrastructure repairs in the future. The Mission is also working to improve the maintenance of its armoured vehicles, air mobility, and engineering and communication support. By the end of July 2002, UNOMIG offices will be moved from the current hotel complex headquarters in Sukhumi to a new container office compound within the same location, which provides better security and working conditions for its personnel. The new office compound will be fenced in, and access will be under the control of the UNOMIG

Security Section. This relocation will free up rooms and enable staff to live in more acceptable conditions.

VI. Observations

30. The situation in the Georgian-Abkhaz conflict zone during the reporting period was in general calmer than during the second half of last year. Nevertheless, in the absence of a negotiating process, tension has remained high in the mission area, which is within a generally volatile region. The conflict has gone on too long and should not be allowed to simmer. The early launching of an active negotiating process, addressing the core issue of the future status of Abkhazia within the State of Georgia, and full compliance with existing agreements and protocols are urgently required. In addition, the Coordinating Council should meet soon to tackle pressing issues relating to security, the return of displaced persons and economic rehabilitation.

31. My Special Representative has made strenuous efforts to bring about negotiations between the Abkhaz and Georgian sides on the basis of the paper on the distribution of competences and the transmittal letter. These efforts will continue with the support, I trust, of the Security Council and the Group of Friends. The two parties should, as soon as possible, address and resolve the key political issues between them. The Abkhaz side, in particular, should reconsider its present position and agree to enter into negotiations on the basis of the competences paper, that being the best available means by which to advance their legitimate concerns.

32. The continuing presence of Georgian troops in the upper Kodori Valley, in violation of the Moscow Agreement, has been a major source of tension and distrust. Georgia claims that it has now withdrawn those troops. It should, however, create the conditions for an independent verification of this withdrawal through regular patrols of UNOMIG and the CIS peacekeeping force, based on satisfactory security arrangements. This, together with security guarantees for the local population, should lead to a stabilization of the situation in the Kodori Valley as a whole.

33. It is regrettable that no progress was made on the safe, secure and dignified return of internally displaced persons to their places of origin, in accordance with international law and as stipulated in the Quadripartite Agreement of 4 April 1994. I call in particular upon the Abkhaz side to start moving this process forward. Equally, there is a need to start working in earnest on the implementation of the recommendations contained in the March 2001 Yalta Programme of Action on Confidence-building (see S/2001/242, annex), and the recommendations of the joint assessment mission to the Gali region (see S/2001/59, annex II).

34. In view of the unstable situation in which UNOMIG operates, the safety of its staff remains a central concern. Both sides have the responsibility to ensure security for the Mission at all times and to allow UNOMIG to return to its full operational capacity, which had to be restricted following the shooting down of a United Nations helicopter in October 2001. The technical investigation into the shooting down is still being conducted by Ukraine; meanwhile, UNOMIG has started its own investigation into the circumstances of the helicopter flight pending the results of the Ukrainian investigation. The perpetrators of this criminal act, as well as of the previous hostage-takings, need to be identified and brought to justice.

35. In conclusion, I would like to reiterate my deep appreciation for the tireless efforts of Special Representative Dieter Boden and Chief Military Observer Major General Anis Ahmed Bajwa in the cause of peace, and for the determination and courage of the men and women of UNOMIG, who carry out their duties under difficult and often dangerous circumstances.

Annex

Countries providing military observers (as at April 2002)

Country	*Military observers*
Albania	1
Austria	2
Bangladesh	7
Czech Republic	5
Denmark	6
Egypt	3
France	3
Germany	11
Greece	4
Hungary	7
Indonesia	4
Jordan	6
Pakistan	9
Poland	4
Republic of Korea	5
Russian Federation	3
Sweden	5
Switzerland	4
Turkey	5
Ukraine	3
United Kingdom of Great Britain and Northern Ireland	7
United States of America	2
Uruguay	3
Total	**109**

Map No. 3837 Rev. 32 UNITED NATIONS
April 2002

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